

## REMARKS/ARGUMENTS

### Claims are amended for expediting prosecution

In this Amendment, Applicants have amended certain claims. Applicants are not conceding that the subject matter encompassed by the claims prior to this Amendment is not patentable over the art cited by the Examiner. Claims were amended/cancelled in this Amendment solely to facilitate expeditious prosecution of the pending claims. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the original claims, as presented prior to this Amendment and additional claims in one or more continuing applications.

### 35 U.S.C. 101 based rejections

Claims 22-30 have been amended to include a computer readable storage medium instead of an article of manufacture. Support may be found in at least page 12, lines 14-17 of the Application. Applicants submit that the amendments to claims 22-30 overcome the Examiner's 35 U.S.C. 101 based rejections.

### Claim rejections under 35 U.S.C. 102 and 103

The Examiner has rejected the original claims 1-4, 6, 8-13, 15, 17-25, 27, 29-30 under 35 U.S.C. 102(e) as being anticipated by Hayes (2003/0158906). Claims 5, 7, 14, 16, 26, 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable of the white paper "Introduction to TCP/IP Offload Engine(TOE)" authored by Yeh (Yeh). Applicants have amended independent claims 1, 10, 19, 22 and traverse the rejection of the claims.

### Amended Independent claims 1, 10, 19, 22

Independent claims 1 (similar reasons for patentability apply to independent claims 10, 19, 22) require:

requesting, by a network storage driver, a connection from an offload application, wherein the offload application interfaces with a first network stack implemented in an operating system and a second network stack implemented in a hardware device;

receiving the connection from the offload application, wherein the received connection is an offloaded connection and is reserved for the network storage driver; and

communicating data over the offloaded connection through the hardware device, wherein the first network stack and the second network stack do not implement an Internet Small Computer Systems Interface (iSCSI) protocol, wherein the network storage driver is an iSCSI driver that implements the iSCSI protocol for communicating with a target storage device through the hardware device, wherein the iSCSI driver comprises an iSCSI protocol layer and an iSCSI transport abstraction layer, wherein the iSCSI transport abstraction layer provides an abstracted transport interface such that the iSCSI protocol layer is not aware of any operating system and hardware transport specifics for communicating commands to the hardware device.

The new requirements of “wherein the first network stack and the second network stack do not implement an Internet Small Computer Systems Interface (iSCSI) protocol, wherein the network storage driver is an iSCSI driver that implements the iSCSI protocol for communicating with a target storage device through the hardware device” are supported by at least canceled dependent claims 6 and 7.

The new requirements of “wherein the network storage driver is an iSCSI driver, wherein the iSCSI driver comprises an iSCSI protocol layer and an iSCSI transport abstraction layer, wherein the iSCSI transport abstraction layer provides an abstracted transport interface such that the iSCSI protocol layer is not aware of any operating system and hardware transport specifics for communicating commands to the hardware device” are supported by at least FIG. 3 and paragraphs 26-31 of the Application.

Applicants respectfully submit that while the cited Yeh (as described by the Examiner in page 13 of the office action while rejecting claim 7) discusses iSCSI in page 4 of the cited Yeh, amended claim 1 now include additional requirements that the network storage driver is an iSCSI driver, wherein the iSCSI driver comprises an iSCSI protocol layer and an iSCSI transport abstraction layer, wherein the iSCSI transport abstraction layer provides an abstracted transport interface such that the iSCSI protocol layer is not aware of any operating system and hardware transport specifics for communicating commands to the hardware device and these requirements are not taught, disclosed, or suggested by either the cited Yeh or the cited Hayes either alone or in combination.

The Examiner is requested to note certain other amendments made to claim 19.

For the above reasons claims 1, 10, 19, 22 are patentable over the cited art.

Dependent claims 2-5, 8-9, 11-14, 17-18, 20-21, 23-26, 29-30

The Examiner has also rejected pending claims 2-5, 8-9, 11-14, 17-18, 20-21, 23-26, 29-30. These pending claims depend on the pending independent claims 1, 10, 19, 22 that the applicant submits as patentable. Accordingly claims 2-5, 8-9, 11-14, 17-18, 20-21, 23-26, 29-30 provide additional grounds of patentability over the cited art.

New dependent claims 31-34

The requirements of new dependent claims 31-34 are supported by at least FIG. 3 and paragraphs 26-31 of the Application.

Applicants respectfully submit that while the cited Yeh (as described by the Examiner in page 13 of the office action while rejecting claim 7) discusses iSCSI in page 4 of the cited Yeh, nowhere does the cited Yeh or the cited Hayes teach, disclose or suggest the newly added claim requirements that transport interfaces included in the iSCSI transport abstraction layer are modified in response to a modification to the hardware device or the operating system, wherein no changes are made to the iSCSI protocol layer when changes are made to the iSCSI transport abstraction layer in response to the modification to the hardware device or the operating system, and wherein the iSCSI driver further comprises a Small Computer Systems Interface (SCSI) to iSCSI translation module that interfaces with an operating system SCSI stack and translates SCSI requests into iSCSI requests and then forwards the requests to the iSCSI protocol layer.

## Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney/agent of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

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